

BROADCAST 4339

DATE: June 28, 2007

TO: Local Department of Social Services Directors
Local Foster Care Supervisors and Staff, CSA Coordinators

TIME: 8:05 p.m.

FROM: Lynette Isbell, Director, Division of Family Services
Therese Wolf, Foster Care Program Manager

SUBJECT: Custody Relinquishment

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Based upon the advisory opinion dated December 6, 2006, from the Office of the Attorney General, custody relinquishment is not required to access Comprehensive Services Act (CSA) services and a Child In Need of Services (CHINS) determination for foster care services does not require court involvement. As a result of this advisory opinion and to ensure compliance with the *Code of Virginia*, local departments of social services (LDSS) need to consider children currently in foster care where legal custody has been relinquished in order for a child to obtain mental health services. The LDSS needs to determine if these children are eligible to receive services under the proposed CSA foster care prevention guidelines.

In situations where the parents have relinquished custody, LDSS should assess the case through the Family Assessment and Planning Team (FAPT) and discuss with the parents and other involved parties (e.g., LDSS counsel, Guardian ad Litem, Court Appointed Special Advocates) the possibility of discharging these children from foster care and providing services under the proposed CSA foster care prevention guidelines. The proposed guidelines for CSA foster care prevention are currently posted for a public comment period of 60 days, ending July 20, 2007. If these children are Title IV-E eligible, Title IV-E funds may be drawn down if and only if the case is case managed by a LDSS. State/local funds must be used to cover the costs of these cases if the agency managing the placement and care of the child is another public agency designated by the Community and Policy Management Team (CPMT).

Further guidance related to CSA foster care prevention will be given as soon as available. If additional information is needed, please contact your Regional Foster Care Specialist.